

[6775 595] poster art

DONALD R. ANTONELLI
MELVIN KRAUS
WILLIAM I. SOLOMON*
GREGORY E. MONTONE
RONALD J. SHORE
DONALD E. STOUT
ALAN E. SCHIAVELLI
JAMES N. DRESSER
CARL I. BRUNDIDGE*
PAUL J. SKWIERAWSKI*
HUNG H. BUI*
ALFRED A. STADNICKI*
*ADMITTED OTHER THAN VA

LAW OFFICES
ANTONELLI, TERRY, STOUT & KRAUS, LLP

SUITE 1800
1300 NORTH SEVENTEENTH STREET
ARLINGTON, VIRGINIA 22209

TELEPHONE (703) 312-6600
FACSIMILE (703) 312-6666
email@antonelli.com

OF COUNSEL
DAVID T. TERRY
HAROLD A. WILLIAMSON*
FREDERICK D. BAILEY
RALPH T. WEBB*
STERLING W. CHANDLER*
PATENT AGENT
LARRY N. ANAGNOS

FACSIMILE TRANSMITTAL
MESSAGE COVER SHEET

Date: August 16, 2004

Please deliver the following pages to:

Name: Examiner I. Borissov

Company: PTO - Group 3629

Fax No.: (703) 746-8493

From: Melvin Kraus

ANTONELLI, TERRY, STOUT & KRAUS, LLP

Fax No.: (703) 312-6666

Re: Attorney Docket No. 389.40083X00
Serial No. 09/843,736

Proposed Agenda for Interview: As requested in connection with the interview scheduled for August 18th at 3:00 pm in connection with the above-identified application, attached hereto are proposed amendments to be discussed at the interview which discussion includes a discussion of the cited Yablonowski patent in relation to the claimed invention and attention is directed to U.S. Patent No. 6,775,595 B1 issued August 10, 2004, which is related to the present application.

If there are any questions, please telephone me at (703) 312-6622.

Melvin Kraus

Total Number of pages including cover sheet: 9

CONFIDENTIALITY NOTICE: The document accompanying this facsimile transmission contains confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity(ies) named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this facsimile information is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original document to us.

C. C. P. 5 from the 2004

PROPOSED AMENDMENTS FOR INTERVIEW FOR S.N. 09/843,736

IN THE CLAIMS:

Amendments to the Claims

Please amend claims 2, 3, 6, 8, 10, 14, 17, 19 and 21-23 as shown below, and please cancel claims 4, 11, 18, 24 and 25 without prejudice or disclaimer of the subject matter thereof.

Listing of Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Claim 1 (canceled)

2. (currently amended) An energy service business system comprising a database which stores past data about ~~the~~an energy consumption of an energy-saving object facility before taking energy-saving measures;

measuring means which measures ~~the present data of the~~ energy consumption of said energy-saving object facility after taking energy-saving measures; and

calculating means which calculates ~~the~~ energy curtailment quantities before and after taking the energy-saving measures ~~by incorporating measurement data measured by said measuring means via a communication line and comparing said measurement data and the past data stored in said database;~~

wherein said past data in said database are stored in a form correlated with attribute data regarding of a variable factors characteristic of the energy- consumption of said energy-saving object facility which includes at least one of temperature, humidity and a production quantity of said energy-saving object facility;

~~wherein said measuring means is for measuring said measurement data as correlated measures said present data of said energy-saving object facility together~~
with said attribute data; and

~~wherein said calculating means retrieves said past data with which having~~
said attribute data agree within a set allowable range, ~~and compares said~~
~~corresponding to said measured attribute data, and calculates the energy curtailment~~
~~quantities by comparing said retrieved past data and said measurement present~~
data.

3. (currently amended) An energy service business system according to claim 2, wherein said calculating means retrieves a plurality of said past data corresponding to a plurality of attribute data approximating said measured attribute data; performing calculation for estimating past data corresponding to said measured attribute data from said plurality of past data; and ~~compares~~ calculates the energy curtailment quantities by comparing the thus calculated past estimated data and said ~~measurement present~~ data.

Claim 4 (canceled)

5. (previously presented) An energy service business system according to claim 2, wherein said calculating means calculates the amount of curtailment of the energy costs on the basis of said energy curtailment quantity, and issues a bill demanding payment of an amount obtained by multiplying said amount of curtailment by a predetermined ratio.

6. (currently amended) An energy service business system according to claim 5, wherein said ratio is determined with reference to the operating hours or the operating rate of said energy-saving object-equipment facility.

7. (original) An energy service business system according to claim 6, where:

if the total amount of the fixed costs such as depreciation and tax and tariffs for a single fiscal year for taking energy-saving measures and the variable costs such as maintenance cost of energy-saving equipment is Q , the annual amount of curtailment of energy costs is P , and α and β are positive coefficients (where $\alpha > \beta$), said energy service enterprise receives:

$X1\%$ of the curtailment amount of energy costs when $P \geq \alpha Q$;

$X2\%$ of the curtailment amount of energy costs when $\beta Q \leq P < \alpha Q$ (where, $X1 < X2$); and

a predetermined amount when $P < \beta Q$.

8. (currently amended) An energy service business method comprising the steps of installing an energy-saving equipment with the an installation cost thereof paid by an energy service enterprise; measuring the data of an energy consumption of ~~said an~~ object equipment after installation of said energy-saving equipment; determining the a difference of the a resultant measured value from the energy consumption data of said object equipment before installation of said energy-saving equipment previously stored in the a database; calculating the an amount of curtailment of the energy costs on the basis of the thus determined difference; and allowing said energy service enterprise to collect said installation cost from said amount of curtailment; and further comprising the steps of storing said energy consumption data before taking energy-saving measures in said database, together

with attribute data of a variable factors-characteristic of the energy consumption of said energy-saving equipment which includes at least one of temperature, humidity and a production quantity of said energy-saving equipment; and measuring the energy consumption data after taking said energy-saving measures, together with said attribute data; and wherein the amount of curtailment of energy costs is calculated by comparing said measured value with the energy consumption data before taking said energy-saving measures with which said attribute data agree within a set allowable range corresponding to said measured attribute data.

Claim 9 (canceled)

10. (currently amended) An energy service business method comprising the steps of applying energy-saving measures to an object equipment with the cost thereof paid by an energy service enterprise; measuring ~~the data of an~~ energy consumption after taking the energy-saving measures; calculating ~~the an~~ amount of curtailment of energy costs by comparing the thus measured value with the energy consumption data before taking the energy-saving measures previously stored in the a database; and allowing said energy service enterprise to receive at least a part of said amount of curtailment; and further comprising the steps of storing said energy consumption data before taking energy-saving measures in said database, together with attribute data of a variable factors-characteristic of the energy consumption of said object equipment which includes at least one temperature, humidity and a production quantity of said object equipment; and measuring the energy consumption data after taking said energy-saving measures, together with said attribute data; and wherein the amount of curtailment of energy costs is calculated by comparing said measured value with the energy consumption data before taking said

energy-saving measures with which said attribute data agree within a set allowable range corresponding to said measured attribute data.

Claim 11 (canceled)

12. (previously presented) An energy service business method according to claim 10, wherein said amount received by the energy service enterprise is determined with reference to the operating hours or the operating rate of said object equipment.

13. (previously presented) An energy service business method according to claim 10, wherein, when the quantity of energy curtailment is smaller than a predetermined reference value, said energy service enterprise performs maintenance or improvement without compensation of the equipment to which the energy-saving measures are applied so as to satisfy the reference value.

14. (currently amended) An energy service business method according to claim 10, wherein:

if the total amount of the fixed costs such as depreciation and tax and tariffs for a single fiscal year for taking energy-saving measures and the variable costs such as maintenance cost of energy-saving equipment is Q , the annual amount of curtailment of energy costs is P , and α and β are positive coefficients (where $\alpha > \beta$), said energy service enterprise receives:

$X1\%$ of the curtailment amount of energy costs when $P \geq \alpha Q$;

$X2\%$ of the curtailment amount of energy costs when $\beta Q \leq P < \alpha Q$ (where, $X1 < X2$); and

a predetermined amount when $P < \beta Q$.

15. (original) An energy service business method according to claim 14, wherein said X2 is calculated by the following formula:

$$X2 = X1 + (\alpha - P/Q)(100 - X1)/(\alpha - \beta).$$

Claim 16 (canceled)

17. (currently amended) An energy service business method comprising the steps of drafting energy-saving measures by ~~the~~ an energy service enterprise or a related organization thereof; assuring, under at least one set condition of an energy-saving object facility, a quantity of curtailment of energy consumption available when taking energy-saving measures in accordance with the thus drafted measures; measuring ~~the~~ data of an energy consumption after taking the energy-saving measures; calculating ~~the~~ an amount of curtailment of energy costs by comparing the thus measured value with ~~the~~ data of an energy consumption before taking the energy-saving measures previously stored in a database, and periodically confirming the assured quantity of curtailment; and further comprising the steps of storing said energy consumption data before taking energy-saving measures in said database, together with attribute data of a variable factors characteristic of the energy consumption data of said energy-saving object facility which includes at least one of temperature, humidity and a production quantity of said energy-saving object facility; measuring the energy consumption data after taking said energy-saving measures, together with said attribute data; and comparing said measured value with the energy consumption data before taking said energy-saving measures with which said attribute data agree within a set allowable range corresponding to said measured attribute data.

Claim 18 (canceled)

19. (currently amended) An energy service business method according to claim 17, wherein said at least one set condition includes conditions determined as to variable factors having an effect on curtailment of the energy consumption such as the operating rate or operating hours, operating conditions including production quantity, and frequency of batch processing of the energy-saving object ~~equipment~~ facility.

20. (previously presented) An energy service business method according to claim 19, wherein said at least one set condition has an allowable range.

21. (currently amended) An energy service business method according to claim 17, wherein said energy service enterprise receives a compensation in an amount corresponding to the quantity of energy curtailment in excess of ~~the~~ an assured value ~~in of at least one of a~~ reward for assuring a quantity of energy curtailment, ~~or as~~ and a cost to be appropriated for maintenance ~~or and~~ improvement.

22. (currently amended) An energy service business method according to claim 21, wherein the amount received by said energy service enterprise is determined with reference to the operating hours or the operating rate of said ~~object equipment~~ energy-saving object facility.

23. (currently amended) An energy service business method according to claim 21, wherein, when the quantity of energy curtailment is under a predetermined reference value, said energy service enterprise performs at least one of maintenance

and improvement of ~~the~~ an equipment subjected to energy-saving measures without compensation so as to satisfy the reference value.

Claims 24 and 25 (canceled)